

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Tommy Giguere,

PETITIONER

Civil Action No. 1:25-CV-10468-IT

v.

Stacy Tardif,

RESPONDENT

AFFIDAVIT OF RESPONDENT PURSUANT TO
MEMORANDUM AND ORDER
REGARDING MARITAL DISQUALIFICATION (DOC. NO. 46)

In lieu of my oral testimony regarding conversations between myself and Tommy Giguere, I submit this affidavit at the Court's request. I, the undersigned, Stacy Tardif, of my own personal knowledge, on oath depose and state as follows:

Discussions Regarding Moving to the United States

1. Tommy and I first began to discuss moving to the United States in 2021 in a lighthearted way, and we talked about what a great opportunity it would be to be able to move and raise our family in the US.
2. My parents established their company, Dercy Inc., in the US in April 2021.
3. This is when things started to get real, and Tommy and I began to make plans and applied for visas to allow us to work in the US.
4. Discussions about possibly moving back to Canada happened before we officially moved to the United States, even before applying for our visas.
5. We agreed that if the business wasn't going to be successful, we could go back to Canada and we would have been happy that we had the chance to try it.

6. We also agreed to give ourselves a trial period, to see if we could develop a new routine and be comfortable in our new life. Knowing that we would live at my parent's apartment, we both said it was a great thing to let ourselves a trial period since we had no ties that would make it harder for us to go back to Canada if we disliked it.
7. We discussed the length of our visas, and that if after 5 years we would have to go back, we would figure out a plan then, but now, we were fully ready to commit to this for at least 5 years and that we both shared the goal to make it longer than 5 years.
8. Throughout 2021 and 2022, we talked many times about moving and we were both very excited to start this adventure together with our children. The United States was to us, the land of opportunity, and we often discussed how lucky we were to have the chance to offer our children a better education, better health care, and a better life.
9. Our visas would be valid for 5 years, and we could either renew it or apply for a green card if we wanted to stay longer. As discussed together, our goal was to obtain our visa, apply for our green card eventually when possible, then when possible, apply for our citizenship.
10. We discussed our goal, knowing that I had to sign the statement saying that we had to return to Canada at the end of the visa term, but already agreed that we would try to have a green card before the expiration of our visas, or we would apply for a visa renewal.
11. We never talked about a timeline for moving back to Canada, because we never knew if we were going to, but we told each other we would try it and if we didn't like Massachusetts or if the business wasn't successful, we would go back and we would be happy that we had the chance to try it.
12. My parents offered that we could stay in their apartment in Haverhill for the first year as part of relocating to the US and starting the business.

13. Tommy and I discussed it and agreed that it would be easier for us if we didn't have to worry about the financial aspect of the cost of living for the first year. We would be able to still pay our mortgage in Canada, we would be able to save money for a future home if necessary, and also we would be able to get to know the area before deciding in which town we really wanted to establish ourselves.
14. We also agreed that if for whatever reason, we had to return, it would be easier to not have anything of our own to take care of putting up for lease or sale. We would have no commitment and it would be stress free. So we agreed that we would stay in my parents' apartment for the first year.

Discussions After Moving to the United States (2023)

15. We finally moved in December 2022 and loved it right away and then discussions to further settle and establish ourselves began.
16. In April 2023, Tommy and I started discussing selling our house in Canada. We both agreed that we enjoyed our new life in the United States and didn't need a longer trial period.
17. In May 2023, we decided to hire a Realtor to put up our house for sale, in 2-3 days it was sold and done deal.
18. After selling our house in Canada, while we were looking to buy a house in Massachusetts, we both agreed that our relocation was to be for a long-term, that is why we were looking for a house and not an apartment.
19. Tommy and I discussed finding a place where we wouldn't have to drive too much to go to work and where schools would be great for our children and we were driving around different towns and neighborhoods, to see where we were seeing ourselves.
20. We always discussed together after being invited to play dates, dinner with friends, activities to decide whether or not we will attend. Most of the time, we both agreed to go together, but sometimes, I went by myself or with the children only.

21. Tommy mentioned most of the time that he preferred staying home. And even when I asked him to go to the playground, he refused most of the time.
22. I keep reminding him that we aren't 5 years old, in school and making friends isn't as easy as when we were kids. That if we want to meet people and make new friends, we have to go out and make it happen, because nobody will knock at our door and ask if we want to be friends.

Conversations After Purchasing Home in Salisbury, MA

23. In September 2023, when buying our house in Salisbury, MA, we discussed closing our personal bank accounts in Canada and only keeping our Canadian Joint account for when we would visit.
24. After buying the house in Salisbury, we often discussed Maeva going to Kindergarten and elementary school in Salisbury. We often discussed about the "green park" that was next to her future school, and we were often going to play at Salisbury Elementary School playground and because we wanted her to know that she was going to come to that school.
25. We had many discussions about how proud we were that our kids were already fluent in English, that both of them actually speak better English than French, but we still want them to have a minimum of French to be able to communicate better with their relatives.
26. We had many conversations about our life in the United States and it was always positive. We were making friends, and we were getting used to the area.
27. We always said that if we ever did decide to move back to Canada, we didn't know where we would live.
28. Tommy told me many times before and after we moved to the United States that he didn't want to work with his dad anymore and was never going to go back to work for him, so we didn't know if, for whatever reason, we would have to go back, maybe we would not even move back to the same town.

29. We never got to the point of talking about where we would live because we never talked seriously about moving back to Canada after we moved to the US.
30. Especially after buying our home in Salisbury, going back to Canada was not part of any discussions.
31. We were already discussing our next move, for when the business would be more established, and we would have our green card, that we would be permanent residents, we wanted to move into a house with land in Salisbury instead of in a Townhouse so we could have more room to have friends over and for our kids to play.
32. In December 2023, we discussed applying for a green card since we could start the application process 1 year after being resident of the United States. The application had to be sponsored by our employer, and the employer had to submit many business documents before we could officially start the application, which we did in July 2024.
33. We discussed how the green card application was going to happen.
34. Since I was the main Visa holder, I had to apply for mine, and once I would have it, we could apply for a green card for my dependents. We both agreed that it was a good idea.
35. Tommy mentioned to me that he was nervous, in the case that the green card application would be rejected, because it would probably restrain us from renewing our visas as well, but we agreed that if we didn't try, we would never know, and that with the business immigration attorney, we had more chance for it to be successful, so we had to give it a try.

Conversations in or around March 2024

36. In March 2024, Tommy mentioned to me that his father offered him to take over his business at no fees or interest.

37. He talked about his mixed feelings because he never wanted to work with his father again, and also didn't want to have that many employees to take care of, but that he misses his family.
38. I asked him what his plan was and what he wanted to do. He had no plan and didn't know what he wanted.
39. He tells me that he is not sure that he really wants to take over his father's business, but would perhaps like to start his own business and buy his own truck and low-bed trailer to transport machinery.
40. I told him about my unwillingness to abandon everything we have achieved so far and start all over again from scratch in an industry he doesn't really want to be a part of with his father. And if that is his real desire, we must find a way to make everything work and both be happy. That I couldn't leave everything behind without any certainty that this was really what he wanted.
41. We didn't talk about moving back to Canada specifically, we talked more about Tommy taking over his family's business. He never told me he wanted to move back to Canada in this conversation or any other discussion around this time.
42. I encourage him in his plans and I am even willing to contact Wyatt Pepe, one of our acquaintances who does this type of transport, so that Tommy can discuss it with him and see what opportunities he could offer him. Tommy tells me that he does not know exactly where he stands, but that he will think about it.
43. After Tommy told me about missing his family in March 2024, we discussed a plan to deal with it and make it work.
44. We had conversations about him going more frequently to Canada to see his family during the week since work was allowing him to.
45. We discussed going to see his family and friends like we were doing normally approximately once a month so he could keep in touch with them.

46. And finally, we discussed inviting his friends and family to come visit us in Massachusetts so we wouldn't always have to be the ones going to Canada. That they could stay over at our house while coming down to visit and this plan worked out great.
47. Tommy was seeing his family and friends more often, and we were happy to show them our life here in the United States.
48. In April 2024, we discussed registering his car in Massachusetts since we had just learned that it was mandatory and we should have done it not later than 30 days after relocating to MA.
49. Tommy made the exportation process for his car and went to register his car at the RMV in May 2024, and stayed registered in Massachusetts till April 2025, 8 months after he had left.
50. We knew our I-94 was good for 2 years, so until November 2024. It was something we had to do, and were going to do since we lived in Massachusetts and our life was here.
51. We had agreed that we would renew them when the time would come and go visit our family on a weekend by the end of October or beginning of November, and do it at the same time that we would cross the border.
52. Tommy has never mentioned to me that he didn't want me to renew my I-94, his or the children's.

Conversations in or around August 2024

53. In the beginning of August 2024, Tommy starts telling me that he misses his family and friends more.
54. On August 19, 2024, we have a talk, because he still mentions his interest in having a truck and a low-bed trailer, but now tells me that if he buys that it is in Canada and nowhere else.
55. We didn't seem to be communicating well, so I asked him to write me a letter with the reasons why he wants to go back to Canada so we can discuss it,

because every time I ask him, he doesn't answer me. I told him that after writing this letter, we would sit and try to find a solution.

56. I told him that I will stay down here with the children and run the business by myself for him to go spend a week in Canada and be around his family and he agreed.
57. I also tell him that in that week, he should put up a business plan and meet with an accountant to see if his project is viable.
58. But before he even made it back from Canada, we talked and he told me he was coming back to pack and leave and that was it and he didn't mention anyone going back to Canada with him.
59. He said he had not made any business plan, or any plans for anyone to move anywhere, but he wanted to move back and was doing it.
60. Tommy never questioned me about taking money out of the Canadian account until we went to probate court in November 2024. I told him the reason why I transferred the money, and he didn't contest it, he acknowledged, and we never re-discussed it again.
61. Tommy never discussed with me leaving his job at Dercy Inc.
62. I had to ask him about it when I noticed that he had left all his work belongings on the counter of our house and also had left with all of his toolboxes that were at the work place.
63. Tommy confirmed to me he wasn't coming back, that I could tell my parents.
64. We never made any arrangements for the kids if that happened, because separation was not in our discussions.
65. Moving back to Canada was never in our discussions until the week he left.
66. Divorce was not in our discussions either.
67. During the summer, Tommy told me 8 of his friends from Canada, including Melanie Groleau, would come to visit to see where we lived, which they did.

68. Tommy told me his sister wanted to come to visit us with her boyfriend and our nephew, to see our new house and where Maeva was going to go to Pre-K, which they did 2 weeks before Tommy left.
69. Tommy had told me his parents had requested to come visit us with his god parents the weekend after his sister's visit to show them where we lived and where Maeva was going to attend Pre-K and where Maykaela was going to daycare and show them our life in the United States, but it did not happen because the girls and I had Covid.
70. During the summer of 2024, Tommy and I discussed enrolling Maeva in Pre-K for September, so she could be around more kids her age, develop her maturity and start to get acclimated with school and children that would be in school with her before entering kindergarten.
71. We discussed going to the open house of Milestones Preschool to see what it looked like and we liked it, so we enrolled Maeva on August 5th, 2024 for her to start Pre-k full-time on September 3rd, 2024.
72. Before he decided to return to Canada, and after he did so, Tommy never mentioned to me that Maeva should not enroll in Pre-K at Milestones or that we should resign her enrollment.
73. We never discussed her going to pre-school in Canada or Maykaela attending any daycare in Canada.
74. In our discussions, Maeva was going to start Pre-K, here, in Amesbury, MA and Maykaela was just going to stay full-time at Michelle MacArthur's daycare.
75. On August 24th, after receiving a call from one of Tommy's family members, I called Tommy to discuss.
76. I asked him why he had told his family we were getting divorce without talking to me about it first. That he was supposed to come back on Sunday for us to talk and see how his week went and figure out a solution to make everything work together.

77. At that point, he just told me he had changed his mind. He was coming back on Monday the 26th, and was going to pack and leave. He said nothing about me going with him or the children.
78. We didn't discuss the children going back with him and he didn't tell me about any plans for them to move to Canada.
79. Tommy didn't ask if he could take the children with him to Canada.
80. We always had the intention to stay in Massachusetts, at least, that is what he made me believe, until his intention drastically changed and he only told me about it when it was already done.
81. On August 26th, 2024, Tommy messaged me in the morning to let me know he was bringing Maykaela back and would drop her off at her daycare. Then he would come to the house to pick up his belongings and leave.
82. I asked him if he could stay at least one night for us to talk and so Maeva could see him as well and he accepted. He arrived at the house with his father and I went to see them right away, still couldn't believe he was really leaving, but his father was ignoring me, and Tommy didn't say anything either.
83. I waited upstairs for Tommy to come talk to me. During the day, we discussed a little and he mentioned he was missing his parents and friends, and that was what made him change his mind.
84. After spending the week in Canada, he told me he realized he needed to go back. He told me his father's health conditions weren't good and that his mother was suffering from Alzheimer's since he was little and he had to go take care of her.
85. I was shocked and asked about his mom's Alzheimer, since he had never mentioned that before. I told him I knew his father wasn't healthy, but he had been like this for years and never had any problems, except weight problems.

86. I told him I couldn't believe what he was telling me, because it sounded like excuses and he didn't have anything to say.
87. He never asked me to go back to Canada with him or for the girls to go back with him in August 2024, or ever.
88. He asked how we would arrange the parenting schedule and also mentioned that he didn't think that it was good for them to go to Canada every time to see him, since it was a lot of driving time and he didn't believe it was in their best interest, and I agreed.
89. I told him that he was more than welcome anytime to come visit them, that I believed it was necessary for them to have their father in their life.
90. In the morning of August 27th, 2024, Tommy left Salisbury, MA on his motorcycle to officially move back to Canada.
91. We discussed how we would manage to take care of the family even though we would be separated and 5 hours away from each other, but we both agreed that we wanted the children to be happy and not suffer from our separation.
92. He offered to help me with the mortgage and daycare if I needed to, and said he was going to help if necessary. At first, I told him I was going to be alright for the first month, knowing that he was leaving, I had paid our mortgage, and the daycare for a month in advance, to give us some time to breathe and not worry about finance.
93. He agreed on leaving the washing machine, dryer, couch and our bedroom furniture so I could still use it even if those pieces of furniture were originally his when we met because he already had a house. He didn't want to take them back with him, so the children would still feel comfortable and be impacted minimally by the change.
94. He said he didn't want me to have to buy all of that right now, knowing it was already a big change in our lives since he was leaving, but wanted me to be able to do laundry and basics and provide our children with security and stability.

95. Before he left, he hugged me and the children, told us he loved us and we did the same, I asked him to let me know once he was in Canada, and he left.
96. After his departure, he never mentioned to me looking for a daycare for Maykaela or a school for Maeva to go to. I saw that he filed for custody later in the divorce proceeding, and for the children to move back to Canada, but he had never discussed it with me.
97. On August 28th, 2024, I was worried about going to Canada for the weekend with the children since Tommy's father had mentioned he was ready to do anything to make me lose what I had.
98. I informed Tommy that I had reached out to the embassy, Canadian law force and a Canadian attorney as well as Salisbury police dept. And a US attorney, and they all suggested not to.
99. I told him why I was scared of going to Canada for the weekend with the children and asked him if he wanted to come to Salisbury for the weekend instead. That he could sleep in the girls bedroom with one of them and I'd sleep with the other one in our room.
100. He then asked me to think about it a little more, that he would have preferred for us to go to Canada like we originally planned to. (When we were still a family, not separated and that he had not left us.)
101. In our discussions, I always encouraged him to come visit the girls and spend time with them, I have encouraged him to call them more often, because they needed to still feel his presence.

Conversations After Tommy Returned to Canada

102. Since he moved back to Canada, I always offered him to see our daughters when I would travel to Canada, but he never changed his plans to make more time for them. I always told him that if I could, I would help with the travel.
103. On September 4th, 2024, He let me know he has the intention of coming to spend the weekend of the 7th in Massachusetts with us to see the girls. It is

also the day that I filed for divorce, because I knew he was not coming back to live with us and our marriage had ended.

104. On September 7th, in the morning he texted me, and we texted throughout the day since he mentioned not finding his passport, so he could not come down to see his daughters as planned.

7:01am

Tommy : Good morning, I barely slept last night, and I can't find my passport. I'll let you know later when I'll be ready to leave.

Stacy : Good morning, okay, let me know.

8:48am

Stacy : So?

10:00am

Tommy : Haven't found it yet.

11:34am

Tommy : I just found it... At the time it is now, I'd like to come down only next weekend, and I'd try to come down for an extra day too... It's about 12 hrs on the road so...

Could we facetime today or tomorrow?

Stacy : No problem with facetime, either tonight before dinner or tomorrow around 8am. And about next week, I'm sorry but I don't think it will be possible unfortunately, so I don't know if you prefer to head over here now and maybe stay until monday early morning ...

Tommy: Why is it not going to be possible?

Stacy : Simply because we already have plans made and it won't be possible.

3:19pm


Tommy : Tomorrow 8am for the facetime will work if that's ok

Stacy : No problem, so I understand you aren't coming down. (left unanswered)

105. After that discussion, I let him know that he had access to the children fully, but since he decided to leave, I couldn't revolve my life around him either.

106. I was ready to accommodate the best that I can, but if he willingly decided not to come visit them when he was supposed to, I couldn't always keep changing my plans to accommodate him.
107. In October 2024, I asked Tommy if he could help me to make the mortgage payment and maybe help with some bills and daycare, as he had mentioned to me being willing to help me when he had left in August and financially, I was beginning to struggle since he wasn't helping at all. Tommy refused.
108. I then asked him if it was possible for him to sign the payment deferral form for the mortgage with me, to at least have that payment deferred. Again, he refused.
109. That is when I decided to file in the probate court of MA for a temporary order to be ordered for child support, because he was not helping me at all since he had left, and it was getting harder and he was not willing to take care of his children in any way.
110. In the last year that Tommy was gone, between August 2024 and now, him and I discussed how the children are doing here, how well Maeva is doing in Pre-K, and how well Maykaela is doing at daycare.
111. We had discussions about activities we attended with friends and he even picked up the kids at those activities sometimes. We had discussions about doctors and dentist appointments I attended with our children.
112. We discussed and signed many agreements for both of us to cross the border with the children without any problems. We always discussed before his parenting time with the children to ensure the schedule would always work.

Signed under the penalties of perjury this 12th day of August, 2025.


Stacy Tardif (Aug 13, 2025 00:30:42 EDT)
Stacy Tardif

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within AFFIDAVIT OF RESPONDENT Pursuant to was this day served upon Petitioner by electronic mail to Wendy Hickey and Stephanie Curtin, Attorneys for Petitioner, of Brick, Jones, McBrien & Hickey LLP, 250 First Ave., Suite 201, Needham, MA 02494 wendy@brickjones.com and stephanie@brickjones.com.

SIGNED under the penalties of perjury.

Dated: August 12, 2025

/s/ Brian Waller

Brian Waller





Affidavit re Discussions-08.11.2025 v5

Final Audit Report

2025-08-13

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